

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 23

June 2, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ingenious Concepts, Inc.,  
Junior Party  
(Application SN 09/775,083,  
Inventor: Fred Smith),

v.

Gilbarco Inc.,  
Senior Party  
(Patent 6,364,206  
Inventor: Denis J. Keohane).

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Patent Interference 105,586 (RES)  
(Technology Center 2800)

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Before: RICHARD E. SCHAFER, JAMESON LEE and  
JAMES T. MOORE, *Administrative Patent Judges*.  
SCHAFER, *Administrative Patent Judge*

Judgment - Request for Adverse - Bd.R. 127(b)

1 Junior party, Ingenious Concepts, Inc., filed a paper titled INGENIOUS  
2 CONCEPTS REQUEST FOR ADVERSE JUDGMENT (Paper 22). Ingenious  
3 states:

4 Ingenious Concepts, Inc. has assigned the entirety of its  
5 right, title, and interest in United States Patent  
6 Application Serial No. 09/775,083 to Gilbarco, Inc. In  
7 addition, Ingenious Concepts, Inc. and Gilbarco, Inc.  
8 have executed a settlement agreement, a copy of which  
9 has been filed with the Board of Patent Appeals and  
10 Interferences.

11 Paper 22, p. 2. The settlement agreement is of record as part of Paper 21.  
12 The agreement, which is signed by both parties, states that Ingenious will  
13 file the request for adverse judgment. Paper 21, p. 2-3. In view of  
14 Gilbarco's agreement that the request for adverse judgment will be filed by  
15 Ingenious, it is appropriate for Ingenious to file the request notwithstanding  
16 that Gilbarco is now the owner of Application 09/775,083.

17 Accordingly, it is

18 ORDERED that claims 21-45 of Application 09/775,083 are  
19 finally refused (35 U.S.C. 135(a));

20 FURTHER ORDERED that a copy of this judgment be made  
21 of record in the files of Patent 6,364,206 and Application 09/775,083; and

1                   FURTHER ORDERED that if there is any settlement  
2   agreement or related documents which have not been filed, attention is  
3   directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

/Richard E. Schafer/  
RICHARD E. SCHAFER  
Administrative Patent Judge

/Jameson Lee/  
JAMESON LEE  
Administrative Patent Judge

/ James T. Moore /  
JAMES T. MOORE  
Administrative Patent Judge

# BOARD OF PATENT APPEALS AND INTERFERENCES

cc:

Neil C. Jones, Esq.  
NELSON MULLINS RILEY & SCARBOROUGH  
P.O. Box 11070  
Columbia SC, 29211-1070  
864-250-2260 (telephone)  
803-255-9831 (facsimile)  
[neil.jones@nelsonmullins.com](mailto:neil.jones@nelsonmullins.com)  
[mark.dukes@nelsonmullins.com](mailto:mark.dukes@nelsonmullins.com)  
[craig.killen@nelsonmullins.com](mailto:craig.killen@nelsonmullins.com)  
[nichole.andrighetti@nelsonmullins.com](mailto:nichole.andrighetti@nelsonmullins.com)

Russell D. Orkin, Esq.  
THE WEBB LAW FIRM  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone (412) 471-8815  
Facsimile (412) 471 -4094  
E-mail address: [webblaw@webblaw.com](mailto:webblaw@webblaw.com)